

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Procedures to Govern the Use of Satellite Earth)	
Stations on Board Vessels in the 5925-6425)	IB Docket No. 02-10
MHz/3700-4200 MHz Bands and 14.0-14.5)	
GHz/11.7-12.2 GHz Bands)	

To: The Commission

COMMENTS OF BROADBAND MARITIME, INC.
REGARDING PAPERWORK REDUCTION ACT INFORMATION COLLECTION

Broadband Maritime, Inc. (“Broadband Maritime”), by its attorneys and pursuant to the notice of final rule published in the *Federal Register*, 70 Fed. Reg. 4775, Jan. 31, 2005, hereby files its comments regarding the information collection requirements contained in the notice pursuant to the Paperwork Reduction Act. Broadband Maritime is filing its comments with regard to the effective date of Section 25.221(e) of the rules, 47 C.F.R. § 25.221(e). Specifically, Broadband Maritime is in the process of preparing and filing a request for waiver of Section 25.221(e), and is asking the Commission to postpone the effective date of the rule until after the Commission has taken action on Broadband Maritime’s waiver request.

I. Background

Broadband Maritime has been operating a network of earth stations on vessels (“ESVs”) using the 5925-6425 MHz/3700-4200 MHz band (“C-Band”) on board foreign-registered merchant ships pursuant to No. 4.4 of the Radio Regulations of the International Telecommunications Union (“ITU”) for approximately two years. The operations are controlled by hubs located in New Jersey, the state of Washington and Switzerland. All operations within

200 kilometers of the United States are controlled by the New Jersey and Washington hubs. At this time, Broadband Maritime is operating ESVs on approximately twelve ships. Although at this time all of Broadband Maritime's ESVs are operating on foreign ships, Broadband Maritime intends to place some of its ESVs on United States ships in the future.

Broadband Maritime's customers use the ESV service to plan and coordinate the loading and unloading of cargo, maintain contact between the ships and their home offices, and in general to provide voice and data communications capability to the crew. The ESVs satisfy an important public safety function because they make it possible for the ships to provide a substantial volume of cargo and crew information to Customs in advance of their arrival, thereby allowing Customs and Homeland Security personnel to review the information for suspicious cargo or potential threats to homeland security.

The ESVs are also used to update the ships' electronic maps. The Coast Guard will soon be requiring all merchant ships entering U.S. territorial waters to utilize electronic mapping. As that requirement goes into effect, ESVs will be the most efficient and cost-effective way for merchant ships to obtain electronic map updates on a timely basis.

ESV usage is greatest as the ships are approaching or leaving port, which is the critical time for information exchange. Because of the important public safety and commercial benefits derived from ESV use, there is a clear public interest benefit to providing merchant ships with ESVs.

II. Immediate Compliance Would Be Unduly Burdensome

As explained in the waiver request, requiring Broadband Maritime to immediately complete frequency coordination at all piers at all ports as will be required by Section 25.21(e) would be unduly burdensome for Broadband Maritime. Broadband Maritime is a small business.

A small business is one which is independently owned and operated, is not dominant in its field of operation, and satisfies any additional criteria established by the U.S. Small Business Administration (“SBA”).¹ The SBA has determined that the small business size standard for satellite telecommunications is companies having \$12.5 million or less in annual revenues.² Broadband Maritime satisfies each of the above criteria.

There are 84 deep water ports in the United States. Ocean going merchant ships may enter any of these ports and may dock at any of the piers at these ports. The larger ports have many piers—as many as 50 to 100 piers at a large port are used for merchant ships. Broadband Maritime was informed by a frequency coordinator that the cost of frequency coordination would be \$5,000 per port for coordination of the in-motion operations while the ship is in the shipping lane, and \$5,000 for the stationary operations at each pier at the port. Therefore, to coordinate the in-motion operations plus one pier at each port would cost \$840,000 to coordinate all 84 ports. But since the piers at each port are spread out, and merchant ships can dock at almost any pier,³ to coordinate all piers at all ports would cost tens of millions of dollars. An upfront expense of this nature would unduly burdensome for a small business such as Broadband Maritime. Hence Broadband Maritime is seeking a waiver of Section 25.221(e) of the rules.

Because Broadband Maritime is seeking a waiver, it would be unfair and unduly burdensome to require Broadband Maritime to spend many millions of dollars while the waiver request is pending, when a grant of a waiver would permit Broadband Maritime to spread out over time the Section 25.221(e) requirement to frequency coordinate each of the ports and piers

¹ 5 U.S.C. § 632.

² 13 C.F.R. § 121.201.

³ Merchant ships would not dock at the limited number of piers used by cruise ships and Navy ships.

where Broadband Maritime's ESVs operate. In other words, while the waiver request is pending, it would be unfair and unduly burdensome to force Broadband Maritime to incur the very costs for which it is seeking a waiver. Postponing the effective date of Section 25.221(e) until after the Commission acts on the waiver request would avoid this potentially unfair circumstance.

III. Conclusion

For the reasons discussed above, Broadband Maritime requests that the Commission defer the effective date of Section 25.221(e) of the Commission's rules until after the Commission has taken action on Broadband Maritime's request for waiver of the rule.

Respectfully submitted,

BROADBAND MARITIME, INC.

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CERTIFICATE OF SERVICE

I, Eliot J. Greenwald, hereby certify that on this 1st day of April, 2005, a true and correct copy of the foregoing “Comments of Broadband Maritime, Inc. Regarding Paperwork Reduction Act Information Collection” was sent by e-mail to the following:

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